1940.

Department of Revenue

OFFICE Board of Revenue

STATION Madras.

No. 865

Dated 30.3.40

Pages in the file 1 to 84.
1 to 10

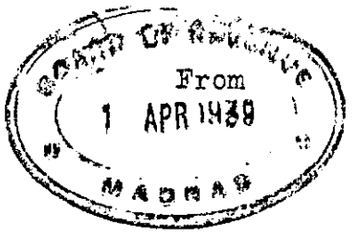
(SUBJECT.)

[illegible] Land (Sirkkanava) [illegible] District
Vidiyur village S.No. 1/1B Fishermanjetty
[illegible] Serta Navakola Sanctioned
G.O. communicated.

81878

Ref.7616-38-B3. South Kanara Collector's Office,

Mangalore, dated 28 - 3 - 1939.



Khan Bahadur Sharif Ahmad Ali Sahib Bahadur,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

Madras.

Sir,

Alienation - land - Udipi Taluk - Kidiyur village - S.No. 1/1B - 1.20 acres - Fish Curing Yard -Sankesha Shesha Merkala -proposal -

R.P.No. Mis. 524 dated 18-2-1938.

I enclose an application for alienation of land in respect of S.No. 1/1B measuring 1.20 acres of Kidiyur village in favour of one Sankesha Shesha Merkala of the said village for the purpose of a Fish Curing Yard.

2. The proposed alienee is reported to have already constructed a building on the plot at an approximate cost of Rs. 1500/- and he has paid the market value of Rs. 300/- fixed for the plot. He has also paid stone value of Re.0-6-0.

3. The usual conditions of alienation relating to the grant were offered to the petitioner and he has agreed to them. An extract from the conditions agreed to by the petitioner is enclosed with a copy of the sketch in duplicate. The alienation may be sanctioned.

For Collector.

30-3-39

Application for the alienation of land in which the proprietary right belongs to the State.

District: South Kanara.

******

1. Description and area:	S.No.1/1b of Kidiyur village in Udipi Taluk, measuring 1.20 acr
2. Market value:	Rs.300/- at Rs.250.0.0 per acre
3. Alienee and purpose of alienation:	Sankesha Sesha Marakala of Kidi village, Udipi Taluk, South K for purpose of a fish curing
4. Collector's remarks:	Recommended.

South Kanara Collector's office,
Mangalore, 28th March 1939.

For Collector.

30.3.39

R.D'S.30/3.

To

The District Collector of

South Kanara, Mangalore.

Humble petition of Sankesha Seema Marakala, residing in Kidiyur Vill. Udipi Taluk, dated 22.3.1939.

Sir,

Ref: District Collector's Office C.No.7616/38, dated 16.1... and C.No.7616-B3-38, dated 8.3.1939.

*****

1. That the petitioner was served with the first of aforesaid Orders, and in reply thereto, the petitioner has already submitted a petition on 27.1.1939 stating the -------- grievances which he will be subjected to thereby.

2. That once again the petitioner was served with the end of the aforesaid Orders stating that conditions of ----- assignment of S.F.No.1/1B of Kidiyur village could not be altered.

3. That early in 1936, the Government was pleased to start proceedings in N.Ref.Bl.4535-36/16.8.37 in connection with assignment of the said S.F.No.1/1B to the petitioner for starting a private fish curing yard and in anticipation of assignment thereof, the petitioner built in 1936 a yard and buildings.

4. But unfortunately for the petitioner, no favourable orders passed in the years 1936, 1937 and first half of 1938 so that the petitioner suffered heavy losses on account of the fish not having been salted and cured in the anticipated curing yard.

5. That ultimately the petitioner was informed in D.Dis.No.2103/38 that the site would be assigned on payment of site value at Rs.250/- an acre and accordingly the petitioner had paid Rs.300/- into the Udipi Government Sub Treasury under chalan No. 886/23.6.38.

6. That thereafter since 15-10-38, the petitioner has been carrying on his business with the help of the said site converted into a first class fish curing yard with all the necessary equipments.

7. That by D.Dis.No.5473/38 dated 20.10.38 from this office, the petitioner was informed that the site could not be darkhasted but could only be alienated subject to the conditions mentioned in the said Order.

8. That under all these circumstances, the petitioner humbly prays that the District Collector will be pleased to reconsider the said Order and darkhast the site S.F.No.1/1B of Kidiyur village which will immensely relieve the petitioner from all sorts of worries both financial and mental; and that if, for any reason, unfortunately for the petitioner, the Collector should not be pleased to reconsider the situation, the petitioner is painfully constrained to accept the terms offered in the Order, just to avoid heavy losses which would otherwise immediately follow.

9. That earnestly praying for favourable orders,

I remain,

Your most obediently,

Sd/- Shesha (in Kannarese)

Petitioner.

/True copy/

For Collector.

30.3.39.

Ref. C.No.B3-7616-38. South Kanara Collector's

Mangalore, 15th November

From

Sri Rao Bahadur M. V. Vellodi, B.A.,

Collector of South Kanara.

To

Sankesha Shesha Markala,

Kidiyur village, Udipi Taluk.

Sir,

Alienation - Land and Revenue - Udipi Taluk - Kidiyur village - S.No.1/1B (1.20 acres) - Private fish curing yard - Sankesha Shesha Markala- Proposal -

Ref:- Your statement before Revenue Inspector, Udipi, dated 20.10.38.

****

With reference to your request for the alienation of S.No.1/1B of Kidiyur village, Udipi Taluk for purpose of fish curing yard, please let me know whether you agree to abide by the conditions mentioned in the appendix.

Sd/- D. Venkatramana [illegible],

For Collector.

/True copy/

For Collector.

1. The land shall be used for the purposes of a fish curing yard and for no other purpose.

Particulars of land.

Taluk:- Udipi.
Village - Kidiyur.
S.No. - 1/1B.
Assessment- 2-6-0
Extent — 1·20 acres.

2. The buildings as specified in the margin shall be erected on the land within 2 years from the date of the grant No other buildings shall be erected on the land without the previous permission of the Collector.

Particulars of buildings.

A fish curing yard.

3. The grantee shall maintain the buildings after their construction in accordance with condition 2, in good condition Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the event of default, the repairs shall be carried out by the Collector and the cost thereof recovered from the grantee.

4. The Government may resume the land wholly or in part with any buildings thereon in the event of infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee (~~and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant~~). If there are buildings on the land, the Government may direct the grantee to remove them.

5. The Government may resume the land wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. (~~In the event of such resumption or~~ event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no ~~case~~ exceed the amount paid for them by the grantee or their

at the time of resumption or acquisition whichever may be less).

6. In the event of resumption or acquisition of the plot for reason, no compensation shall be payable for any buildings ted without permission.

7. In the event of resumption under condition 5 if there are dings on the land, the Government may at their option, either
(a) purchase the buildings, or
(b) direct the grantee to remove the buildings.

8. In the event of the resumption of the land followed by th hase of the buildings under condition 7 or in the event of th isition of the land for any reason the compensation payable f dings or other improvements shall in no case exceed (the amou for them by the grantee at the time of alienation or their e at the time of resumption or acquisition, whichever may be , together with) the initial cost or the value at the time of mption or acquisition whichever may be less, of any buildings ted or other improvements effected on the land by the grantee ccordance with the terms of the grant. Any grant which may ade by Government towards the cost of any buildings shall be cted from the compensation payable to the alienee.

9. In the event of the grantee refusing to remove the dings, when so directed under condition 4 or 7, the Governmen remove them and realize the cost of removal by the sale of th rials.

10. In the event of the voluntary relinquishment of the land he grantee, no compensation shall be payable for any improve- s that may have been effected or for works that may have been uted on the land by the grantee (and the grantee shall not be tled to the repayment of any amount that may have been paid he Government for the grant).

11. The alienation will be subject to payment of annual

12. The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow ----- subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

13. The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

14. The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with.

15. In the event of the infringement of, or failure to observe any of the conditions (12 to (14) the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

Sd/- D.Venkatramana Rao,
15.11.38.
For Collector.

/True copy/

For Collector.

XVII-26—310,694—26-2-34.

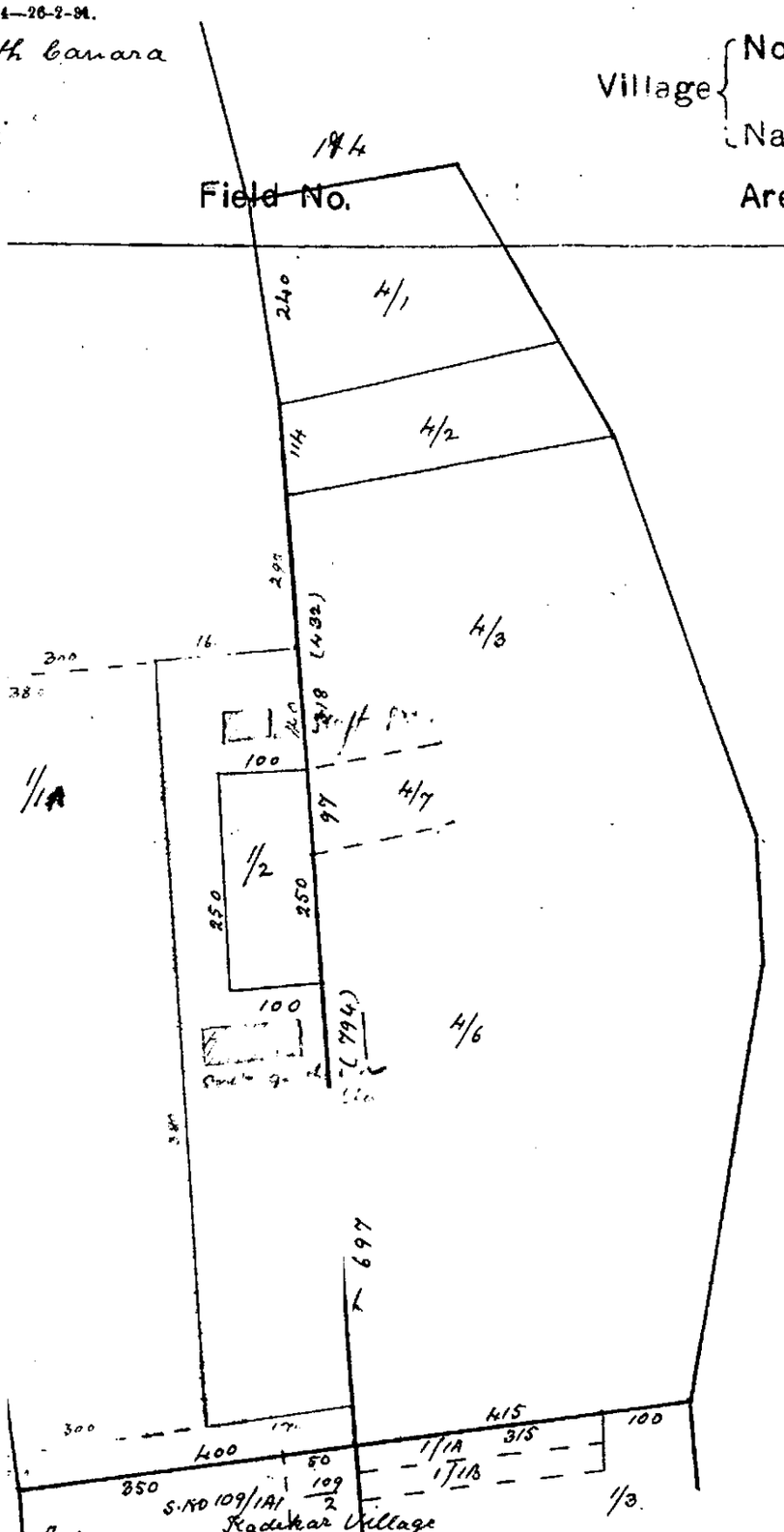
15 15

rict South Canara

Ik Udipi

Village { No. 71
Name Kidiyur

Field No. 174 Area Acres.



Index

Sy. No	Hissa	Name of the Pattadar	Remarks.	Sury. No	Hissa	Name of the Pattadar	Re
1	Poramboke Dry.	—	Fish curing yard			Radekar Village.	
2		Koraga Marakala	Conditional assignment.	1 — 1A	Garden	Thajappa Shetty	
				1B	Do —	Durga Shethi	
1	Garden	Appana Pujari		3	Do —	R. G. Krishana Rao	
2	Do	Thabra Marakala		109 - 1A1	Pokamboke		Fish curing
3	Do	Mainda Marakala		2	Garden	R. G. Krishana Rao	
4	Do	Shesha Marakala		1 — 1B	Plot proposed to be alienated.		
7	Do —	R. G. Krishana Rao					
6	Do	Raj Gopalkrishna Rao					

Scale 1/2 inch = One Chain

Marathi.

Surveyor
26-10-34 R.S. Naik.

A S(52)

F.W.S.

Alienation – Land (S. Kan
Kodipi taluk – Kidiyur vge – S. No.
Fish curing yard. Sanctioned Sept
Merkala

E.1878.39 B

JESI...
2-MAY1939

Reg E.1878.39-1 d 28.A.39

The Collr. is requested to report whether there are any trees on the land; if so their value and whether the alienee agrees to pay it.

2. As the alienee has agreed to ~~abide by the~~ pay the market value of the land, ~~the conditions of~~ the alienation should be governed by the conditions appended to G.O. 431 Rev dated 17.2.1938 (Collectors. D.Dis 3944-B3-38 d 12.8.38). ~~As the alienee is not agreed to these conditions~~, The Collr. is requested to obtain the consent of the alienee to these revised conditions.

not put up.

3. The Collr. has reported that the alienee has constructed a building at a cost of Rs 1,50 but the sketch submitted by him shows that there are two other buildings (Shop qrs and

To The Collr. of South Kanara

salt godown and office). The estr. is requested to report whether ~~there are~~ there ~~standing thereon~~ buildings ~~on the~~ have been constructed & if not- land and if so, whether ~~the condit~~ ~~2 of the conditions of the alienation do~~ not include the two other buildings als besides the fish curing yard. The alienee agrees to construct them with 2 years from the date of the gra

for Nov 29

Le 27/4/38

To The estr. of South Kan
with a sketch to be ret
plan to be sent.

82693 B2341

Revenue Department.

Recd from B on 13-5-39

SECT. 8-MAY-39

ENDORSEMENT No.2099 F/39-1, dated 2nd May 1939.

ASSIGNMENT - Land - (South Kanara) - Udipi taluk - Kidiyur village S.No.1/3 Fish curing yard - Sankesha Shesha Marakala.

From the Director of Fisheries, Ref. No.3205-F/38-3, dated 3rd April 1939.

Referred to the Board of Revenue for remarks. The Board is also requested to obtain and furnish a copy of the Collector's D.Dis. No.5473/38, dated 3rd September 1938, referred to in the letter from Director of Fisheries quoted above.

T.M.S. Mani,
Under Secretary to Govt.

To the Board of Revenue. (with copy of letter and enclosures).

F o r w a r d e d
(By Order)

V. Narasimha

Superintendent.

Copy of letter Ref.No;3205-F/38-3 dated 3rd April 1939 from the Director of Fisheries to the Secretary to the Government of Madras, Development Department.

Subject: Fish curing yards - Private Kidiyur - Assignment of Plot.

****

In G.O. No. 4 Ms. Revenue dated 3-1-1938, Government ordered that the land required for the fish curing yards should be alienated either free or on payment of market value for use as fish curing yards alone, and that applications may be made to the Collector of South Kanara. The Collector of South Kanara in his proceedings D. Dis. No.2153-38 dated 3-5-1938 ordered the conditional assignment of S.No.71-1/3 (measuring 1-20 acres) of Kidiyur village to one Mr. Sankesha Shesha Marakala of Kidiyur for use as a private fish curing yard with the restrictions imposed in Appendix VI of B.S.O. Vol.I (Vide copy of his proceedings enclosed). Subsequently the Collector is stated to have revised his order in his D.Dis. 5473/38 dated 3-9-1938 rejecting the dharkast application presumably because the Government had ordered the alienation of the site and not its assignment. Thereupon Mr. Sesha Marakala petitioned to me on 3-11-1938 stating that he had paid the site value of Rs.300/- into the Udipi Sub Treasury on 23-6-38 on the strength of the Collector's first order and erected buildings costing Rs.2,500/-.on the the said plot for the purpose of fish curing yard and that he had used the plot as a fish curing yard from 13-10-1938, and the Collector's revised order in his D.Dis.5473/38 dated 3-9-1938 has come as a great disappointment to him. A copy of his petition is enclosed. On referring the petition to the Assistant Director (Coast), Calicut, I understand that in his Ref. No. B-3-7616/38 dated 15-11-1938 (Vide copy enclosed) the Collector has since furnished Sesha Marakala with an appendix setting forth the conditions for the alienation of the land in his favour, and asked him if he will

will abide by those conditions. The conditions imposed by him are almost the same as those given in B.S.O. 24(10), and they are more stringent than those contemplated in Appendix ~~VII~~ VI, of B.S.O. VOL.I which govern the assignment of land for fish oil and fish guano factory in the Districts of Malabar and South Kanara. It is the additional conditions not contemplated in Appendix ~~VII~~ VI of B.S.O. Vol.I and now imposed which Mr. Sesha Marakala complains as a hardship and I consider that his grievances are real and G.O. No. Ms. Revenue, dated 3-1-1938 does not contemplate the imposing of all these conditions. I therefore request that Government may be pleased to revise their orders in the G.O. quoted above if necessary, to enable the Collector to treat the alienation as a special case of conditional assignment with the only condition that the site should be used for fish curing yard purposes only.

Transfer - Land - Udipi Taluk - No.71 Kidiyur village - S.No.1/3 (measuring 1.20 acres) - Poramboke fish curing yard to ayan - Sanctioned.

Read:- 1. Udipi Tahsildar's reports N.Ref.B.1.4535-36 dated 16-8-37 and 31-8-37 and N.Ref.B.1.8595-37 dated 11-11-37, 26-1-38, 9-2-38 and 23-3-38 received with Coondapoor Revenue Divisional Officer's Endt.N.Dis.7354-37 dated 3-4-38.

2. This office L.Dis.5243-37 dated 1st November 1937.

The plot S.No.1/3 (measuring 1.20 acres) newly carved out of Poramboke Fish curing yard' 1/1 of No.71 Kidiyur village, Udipi taluk, is transferred from Poramboke to ayan at the adjoining dry rate of assessment of Rs.2/- per acre attached to the soil classification and taram of 7-1-1 for conditional assignment in favour of one Sankesha Sesha Marakala of Kidiyur for use as a private fish curing yard. Site value of Rs.250/- per acre should be collected from the proposed assignee as consented to by him before ordering the assignment. There is no back assessment due.

2. The assignment should be made subject to the restriction that the plot will be resumed when it ceases to be used as a fish curing yard and also on the condition applicable to the assignments laid down in Appendix VII of P.S.C. Vol.I with suitable modifications with regard to the provisions in conditionx 6.

3. The sub-division records are sanctioned.

Copy of petition dated 3-11-38 of Kidiyur Sankesha Sesha Marakala, nephew of Mukra Marakala, residing in Kidiyur village, Udipi taluk, Post Udipi.

That in D.Dis.No.2153/3-5-38 the District Collector was pleased to transfer S.S.No.1/3 measuring 1 acre 20 cents of Kidiyur village from poramboke to Ayan and to assign the same in favour of the petitioner on collection Rs.300/- as site value where of calculating at Rs.250/- an acre subject to the conditions (1) that the plot would be resumed when it ceased to be used as a fish curing yard (2) and that are applicable to assignments laid down in Appendix VII of P.S.C. Volume I.

That in pursuance of the said Order, the petitioner has paid Rs.300/- into the Udipi Sub Treasury on 23-6-1938, and has erected buildings costing about Rs.2,500/- on the said plot for purposes of the yard and the petitioner has opened and used the plot as a fish curing yard from 13-10-1938

3. That to his utter disappointment, petitioner learns that the District Collector has l pleased to intend that the District Collector's sa order of assignment, from the Revenue Inspector, U who has taken down the petitioner's deposition on 2 wherein the petitioner has explained his grievance that may result as a consequence thereof.

4. That on the firm belief and on good faith that the plot has been assigned to the petitioner, the petitioner has paid the site value, has erected substantial and costly buildings, and has opened the fish curing yard in the said plot. Still some buildings are to be constructed to meet the demand and necessities of the fish curing yard.

5. That the petitioner humbly submits, that it is a great hardship, ~~xxxxxxxxxx~~ monetary loss to the petitioner if the order of assignment is cancelled, for the reasons ~~united~~ stated above

6 That the petitioner humbly prays ~~that~~ that the District Collector be pleased to confirm the previous order passed by him in his D.Dis.No.2153/3-5-38 and the absolute assignm of the said plot to the petitioner; and in the alterative, if it i not possible in any event, which the petitioner hopes not, the District Collector will be pleased at the time of making the alienating the plot to the petitioner to order refund of the site value already paid and allow compensation for improvements effected, if for any reason the petitioner is constrained to close the plot as fish curing yard.

opy of the orders passed on the statement obtained by the Revenue Inspector from Sankesha Shesha Marakala by the Collector of South Kanara in his Ref.C.No.B.3.7616/38, dated 15-11-1938 with an appendix.

With reference to your request for the alienation of S.No.1/1B of Kidiyur village, Udipi taluk for purpose of fish curing yard, please let me know whether you agree to abide by the conditions mentioned in the appendix.

Appendix.

1. The land shall be used for the purpose of fish curing yard and for no other purpose.

Particulars of land.

Taluk-Udipi.
Village - Kidiyur.
S.No.1/1B
Assessment - 2-6-0
Extent - 1.2 acres.

2. The buildings as specified in the margin shall be erected on the land within 2 years from the date of the grant, No other buildings shall be erected on the land without the previous permission of the Collector.

Particulars of buildings.

A fish curing yard.

3. The grantee shall maintain the buildings after their construction in accordance with condition 2, in good condition. Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the event of default, the repairs shall be carried out by the Collector and the cost thereof recovered from the grantee.

4. The Government may resume the land wholly or in part with any buildings thereon in the event of infringements of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been

paid to the Government for the grant). If there are buildings on the land, the Government may direct the grantee to remove them.

5. The Government may resume the land wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. (In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and the trees shall in no case exceed the amount paid for them by the grantee or their at the time of resumption or acquisition whichever may be less.

6. In the event of resumption or acquisition of the plot for any reason, no compensation shall be pay any buildings erected without permission.

7. In the event of resumption under condition 5, if there are buildings on the land, the Government may at their option either

(a) purchase the buildings, or

(b) direct the grantee to remove the buildings.

8. In the event of the resumption of the land followed by the purchase of the buildings under condition 7 or in the event of acquisition of the land for any reason the compensation payable for buildings or other improvements shall be in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less of any buildings erec or other improvements effected on the land by the grante in accordance with the terms of the grant. Any grant wh may be made by the Government towards the cost of any buildings shall be deducted from the compensation payabl to the alienee.

9. In the event of the grantee refusing to remove buildings,

when so directed under conditions 4 or 7, the Government may remove them and realise the cost of removal by the sale of the materials.

10. In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant.)

11. The alienation will be subject to payment of annual assessment on the land revisable at resettlements.

12. The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

13. The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection and for the careful protection of the immature trees growing on the land.

14. The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and not tampered with.

15. In the event of the infringement of, or failure to observe any of the conditions (1) to (14) the alienee shall pay the Government such compensation as is determined by the Collector of the District for any loss or damage caused by such infringement or failure on his part. The Government shall also

be

be at liberty to resume the land and re-enter on it and the whole land shall thereupon rest absolutely in the Government. In that case the alienee shall not be entitled to any

ASW

Alienation - Land - (South Kanara)
Udupi taluk - Kidiyur village - S.No. 1/3
Fish curing yard - Sanneesha Shesha
Marakala

MAY 1939

E2693.39 [Govt Rec Endt - 20994 38-1
dated 2.5.39] &
Ag E 1878.38-2 dt 26.5.39

A copy of the Reference from the Dir. of Fisheries No. 3205 f 38-3 dated 3-4-38, to the Secy to Govt. Dev. Dept, is forwarded to the Collr. of South Kanara for remarks. The Collr. is also requested to submit a copy of his D. Dis 5473/38 dated 3-9-38 referred to in the letter from the Dir. of Fisheries.

To The Collr of S Kanara
with a copy of the letter from the Dir. of fisheries (PP 21-22 of 39 to be returned

8(3249) 1879/M

Ref. C.No.7616-38-B.3.

South Kanara Collector's Office,
Mangalore, dated: 3rd June 1939.

From

Sri Diwan Bahadur M. V. Velloodi, B.A.,
Collector of South Kanara.

The Secretary to the Board of Revenue,
Land Revenue & Settlement, Madras.

Sir,

Alienation--land--Udipi Taluk--Kidiyur village--S.No.1/3--Fish curing yard--Sanjeeva Shesha Varakala.

Reference:- Board's Ref.C.1878-39-2, dated 26-5-1939.

The conditional assignment of the plot in question proposed to be made to Shesha Varakala under B.S.O. 15 (35) viii in my D.Dis.2153-38, dated 3-5-1938 was dropped by me in my D.Dis.5473-38, dated 3-8-1938 in view of the instructions contained in G.O. No.Mis., 4, Revenue, dated 3-1-1938 communicated with B.P.No.Mis.524, dated 18-2-1938. Steps were accordingly taken to alienate the land and the usual conditions specified in B.S.O. 24 (10) were offered to the alienee in my Ref.7616-38-B.3, dated 15-11-1938, a copy of which has been submitted to the Board with my letter Ref.7616-38, dated 28-3-1939.

2. On receipt of the Board's reference, C.1878-39 dated 28-4-1939, the revised conditions contained in G.O.No.431, Press- Revenue, dated 17-2-1938 have been offered to the proposed alienee, but his consent has not yet been received. The matter is pending with the Tahsildar, Udipi.

3. The Director of Fisheries states that more

of these conditions need be imposed for alienating the -- land concerned in this case and that the usual conditions applicable to assignments of land for fish oil and guano factories would suffice. I do not think that in a case of alienation the conditions prescribed in B.S.O.24 can be - altogether dispensed with. The revised conditions now offered, appear to be sufficiently liberal.

4. A copy of my proceedings D.Dis.5473-38, dated 3-9-1938 is enclosed.

for

For Collector.

5.9.

D.Dis.5473-38.

Proceedings of the Collector of South Kanara, dated the 3rd September 1938.

Sri Diwan Bahadur M. V. Vellodi, B.A.,

Assignment--Land--Udipi Taluk--Kidiyur village--S.No.1/3 (1.20 acre)--Conditional assignment for fish curing yard--proposal--negatived.

Read: (1) Udipi Tahsildar's report Ref.D.R. 352/47, dated 31-7-1938 and

(2) Coondapoor Revenue Divisional Officer's endorsement N.Dis.4706-38, dated 12-8-1938.

Under Board's Proceedings Mis.524, dated 18-2-1938, it is mandatory that lands required for fish curing yards should be alienated either free or on payment of market value for use as fish curing yards alone. In this case, the applicant, Sankesha Shesha Varakala desires the land for use as fish curing yard and has paid the market value of the land. The Tahsildar is therefore requested to --- submit proposals for the alienation of the plot (land only) in favour of the applicant for the purpose of a fish curing yard.

Sd/- C. Innayya Reddi,
3-9-38
For Collector.

To

The Tahsildar, Udipi, with the connected papers (pages 1 to 64)
Copy to the Revenue Divisional Officer, Coondapoor.

/TRUE COPY/

For Collector.

5.6.39.

F W S.

Alienation - land - South Kanara - Udipi taluk. Kidiyur village S.No. 1/3 - Fish curing yard.

Sankesha Sesha Nayaka.

E. 3249.38 & Pps 4

Rly E. 1878.38.3 & 27.6.38

One copy is requested to expedite the report called for in the Pp 17.18 4 ; Bds reference E. 1878.38-1 & 28.4.38.

E 38935

Sahib to see Rly 13.7.38

4/26638

10/12 copy of S Kanara

E 4138/1878/38

BOARD OF REVENUE
14 JUL 1939
MADRAS

Ref. 7616-38-B.3.

South Kanara Collector's Office,
Mangalore, dated 12th July 1939.

From

Sri Diwan Bahadur M.V. Vellodi, B.A.,
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue and Settlement,
M a d r a s.

Sir,

ALIENATION--land--South Kanara--Udipi Taluk--Kidiyur village--S.No.1/1B--Fish Curing yard--Sankesha Shesha Markala-

Reference:- Board's Ref.E.1878-39, dated 28-4-1939 and 27-6-1939.

******

There is only one Honne tree on the plot and its value, Re.0-6-0 has been collected from the alienee and credited to the Treasury in Challan No.808 dated --- 18-7-1938. The value of one stone Re.0-6-0 referred to in my report Ref.C.7618-38, dated 28-3-1939 on the basis of the Tahsildar's report is now found to be a clerical mistake for tree value. There is no stone value to be collected.

2. The alienee has agreed to the conditions --- appended to G.O.No.431, Revenue, dated 17-2-1938. A copy of the draft conditions agreed to by him and of his statement to this effect are enclosed. A sketch containing the topo details of the improvements effected by the alienee is also enclosed.

3. The alienee has completed the construction of the two buildings mentioned in para. 3 of the Board's reference cited above.

For Collector.

CONDITIONS.-

(i) The land shall be used for the purpose of a fish curing yard and for no other purpose.

(ii) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have -- been paid to the Government for the grant. If there are ----- buildings or other improvements on the land, the Government may direct the grantee to remove them.

(iii) The Government may resume the land wholly or in part, with any buildings thereon, if in the opinion of the --- Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the Compensation payable for the land and trees shall in no case -- exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less.

(iv) In the event of resumption under condition (iii), if there are buildings on the land, the Government shall purchase the buildings.

(v) In the event of the resumption of the land followed by the purchase of the buildings under condition (iv) or in the event of the acquisition of the land for any reason, the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time

of alienation or their value at the time of resumption or acquisition whichever may be less, together with the initial cost or the value at the time of resumption or acquisition whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant.

(vi) In the event of the grantee refusing to remove the buildings, when so directed under condition (ii) the Government may remove them and realise the cost of the removal by the sale of the materials.

(vii) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

/True Extract/

For Collector.

12.7.39

Statement given by Sri Sankesha Sehsa Marakala, Nephew of Thukra Markala of Kidiyur village, Udipi Taluk before the Revenue Inspector, Udipi on 13-6-39.

I have understood the contents of Board's Proceedings Ref. E.No. 1878/39-1, dated 28-4-39, communicated with Collector's endorsement Ref.C.No. 7616-38, dated 8-5-39, read over to me now.

Regarding the seigniorage value of the one Honne tree standing on S.No. 1/1B of Kidiyur proposed to be alienated to me, I beg to submit that I have already credited its value to the Udipi Sub Treasury, as soon as the plot was transformed from poramboke to ayan as may be seen from the Challan therefor, filed with the records relating to the alienation of the plot. As the duplicate Challan has been already produced by me, I am unable to pruduce it now.

I have understood the purport of the conditions to which the alienation is subject and I consent to abide by these conditions.

Besides the fish curing yard, the other two buildings, viz., staff quarters, salt godown and office have also been constructed by me. The godown and office was completed about 9 months ago and the staff quarters about 3 months ago.

ಕನ್ನಡ ಬಲ.

Read over and translated into Kanerese a language known to the deponent and admitted by him to be correct.

Sd. x x x

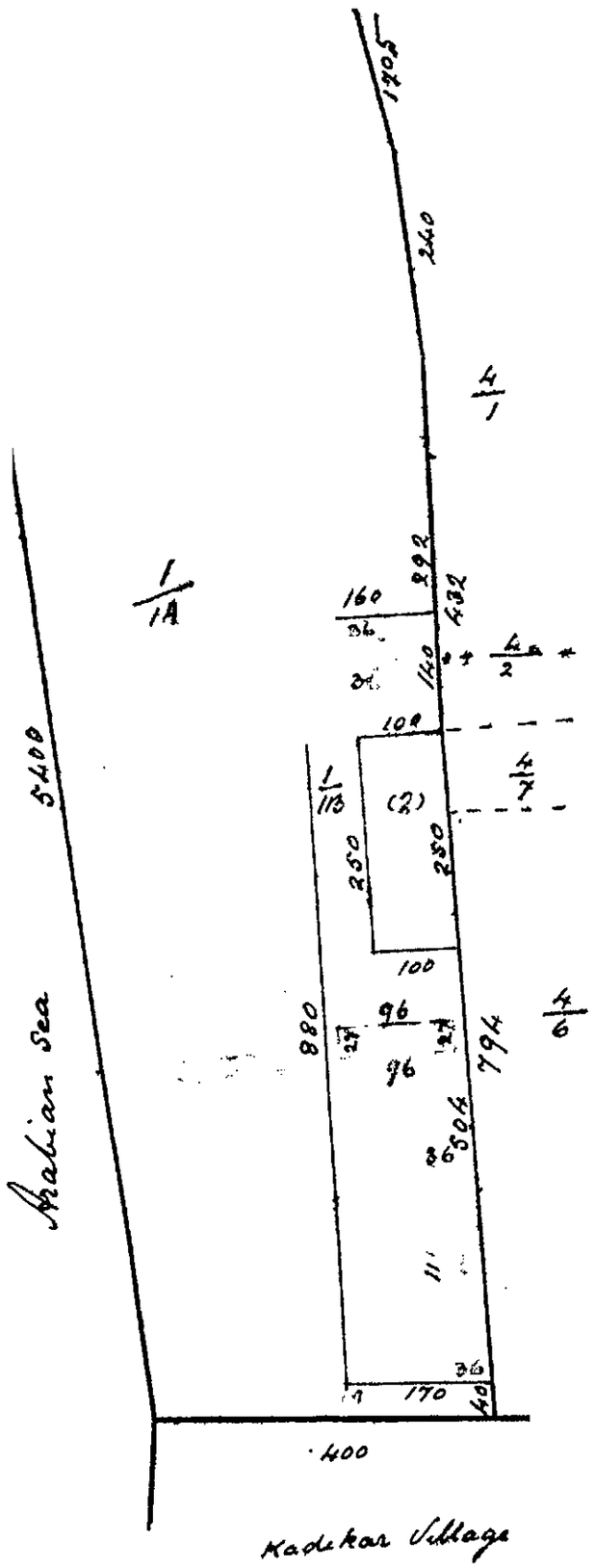
Revenue Inspector, Udipi.

/True copy/

For Collector.

12.7.39.

District South Canara
Taluk Kodipi
Village No 72 Kadekar
Field No 1/1B



Survey No.	Description	Kadim or Hosagani	Name of Paltadar
1-1A	Poramboke		Fish Curing yard
1-1B	Dry		— do —
1-2	Dry	Hos.	Konaje Narakala Gopalakrishna Rao
4-1	Garden	Hos.	Appanna Poojari
4-2	-do-	-do-	Thaba Narakala
4-6	-do-	-do-	N. Rajagopalakrishna Rao.
4-7	-do	-do-	

56 140
860 15
8. 05
834 140
442 142
442 40
415 142
415 48
327 158
327 123
216 159
216 123
M

Scale 1/2 Inch = one cha

Surveyor
Skag.

F.W.S.

Alienation - land (south Kanara) Udipi taluk - Kidiyur village - S. N Fish curing yard - Sri SankeshaSesha Merakala - Report submitted.

F2693.39[Govt Rev. Govt. 2099F39-1 d 2.5.39] Q

E4138.39 [Collr S. Kanara - Rc 7616.38 B d 12.7.38] Q

Refce. E. 1878.39. (D) 25.5.39

With reference to the Govt. Endt. cited above, the Board begs to submit t following report:--

Sri Sankesha Sesha Marakala of Kidiyur village applied to the Collr. of South Kanara in 1936 for the assignment of S. No 1/1B of the village for a fish curing yard. The S. No. is registered in the accounts as poramboke. Th Collr. in his D.Dis. No. 2153/38 dated 3-5-38 at first ordered the transfer of the land from poramboke to ayan and its assignment to the applicant subject to the payment of the market value and to the conditions laid down in Appx. Vi to B.S.O. 15-35 (viii), with condition No. (6) suitably modified. As, however, ~~land required for the purpose of fish curing yards should be alienated under G.O. 4 Ms. Rev. dated 8-1-38~~, the Collr. in his D.Dis. 5473/38 dated 3-9-38 dropped the question of conditional assignment and called for proposals for the alienation of the plot in favour of the applicant. After considerable protest the applicant agreed to the conditions laid down in G.O. 431 Rev. d 17-2-39

nd the Collr. has submitted proposing ...
n the alienation of the land to him. The ...
e Collr. also reported that the applicant has pa...
ie market value of the site (Rs. ...
id the value of one Honne tree Re. 0-6-0 ...
ito the treasury and submitted proposals ...

2. In his letter Ref. No. 3205 F-... ...ted 3-4-39 referred to the Board for ...marks, the Dir. of Fisheries states ... ...at the conditions of alienation offere... ... the petitioner, are stringent, and wi... ...ld hardship to him; that G.O. No. 4 ...v. dated 3-1-38 did not contemplate ... imposing of all these conditions, ar... ...at the G.O. might be revised, if neces... ...ry, to enable the Collr. to treat the ...ienation as a special case of conditio... ...signment, with the only condition that ...ie site should be used for fish curing ...rd purposes only.

3. The Board observes that assign... ...nt in the case of fish oil and fish ...iano factories are subject to the condi... ...ons in Appx. VI to B.S.O. 15-35 (viii) ... ...e petitioner requires the land ... ...r a similar purpose. Conditions Nos. ...) and (10) to (15) in this appendix ...e similar to the conditions appended ... G.O. 431 Rev. dated 17-2-38. The ... ...oard is unable to see how the grantee ... ...uffer hardship if the land is alienated ...o him rather than assigned. In any ...ase of alienation these minimum condit... ...ave to be imposed and there is no ...uestion of dispensing with them. The ...onditions in the B.S.O. 24-10, as ...evised in G.O. 431 Rev dated 17-2-38, ...eviable in this case are more liberal

15-35 (viii), as provision is made in them for the repayment of the amount paid by ~~him~~ the alienee in the event of voluntary relinquishment and for the Govt. conpulsorily acquiring the ~~xxxx~~ buildings when the land is required for a public purpose or for conducting mining operations. So long as the alienee does not violate the conditions of the alienation, his tenure of the land is as ~~good~~ good as holding it under ~~a~~ such an order of assignment. In the circumstances, the Board considers it unnecessary to revised/ the orders in G.O. Ms. 4 Rev. dated 3-1-38, as suggested by the Dir. of Fisheries.

(4)

4. The Board also considers that in order to have a proper control of the alienations for fish curing yards it is desirable to impose the remaining conditions in Appx. VI to B.S.O. 15-35 (viii), also, except conditions (1), ~~(2)~~ and (5) as special conditions in these cases. A list of the conditions that may be imposed in such cases is submitted. If the Govt. approve the proposal, the consent of the alienee to the special conditions will also be obtained and submitted.

5. A copy of the Colly's order D.Dis. 5473/38 dated 3-9-38 is also submitted.

P 33 ff.

To the Secy to Govt. Rev. Dept.
With Alie. Statt (P. 3 to be copied)
a sketch (P.45 c.f.
A copy of the Collr's letter) P. 33 to
No. D.Dis. 5473/38 d 3-9-38)) be copied.

and a copy of the conditions ((M) to be copied and sent)

(9) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant, or by the local board for any reason cancels or refuses to renew the licence already granted. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee (and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant). If there are buildings on the land, the Government may direct the grantee to remove them.

(10) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for a public purpose including marine purposes or for conducting mining operations. (In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less). In the event of resumptions for marine purposes the grantee shall immediately give up possession of the land and building.

(11) In the event of resumption under condition (10) if there are buildings on the land the Government ~~may at their option~~ shall (either,)

(or (a) purchase the buildings, or
(b) direct the grantee to remove the buildings.)

(12) In the event of the resumption of the land followed by the purchase of the buildings under condition (10) or in the event of the acquisition of the land for any reason the compensation payable for buildings or other improvements shall in no case exceed (the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with) the

the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(13) In the event of the grantee refusing to remove the buildings when so directed under condition (9 or [or(11)] ~~or (--)~~ the Government may remove them and realise the cost of removal by the sale of the materials.

(14) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee (but ~~and~~ the grantee shall ~~not~~ be entitled to the repayment of any amount that may have been paid to the Government for the grant or the ~~( ) Full land revenue shall be levied if at any time any~~ net income is derived from the land or if ~~any~~ of the conditions of the alienation ~~are~~ infringed. In the latter case, the land revenue shall be levied from the date of the ~~infringement.~~ relinquishment value of the land at the time of ~~alienation~~ whichever may be less.

To the Collector of

To the Secretary to Government,
Revenue Department with alienation statements.
(pages to be copied & sent) &
sketches (pages in original)

conditions pg. 11
W 1890 24 (10)

(14) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(15) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(16) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with, and

(17) In the event of the infringement of, or failure to observe, any of the conditions (14) to (16), the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such [illegible] on his part. The Government shall also be at liberty to resume the land and thereafter all the rights of the alienee shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

5 1 18/8/39.

E6765

Revenue Department.

***

MEMORANDUM No.5129 F/39-2, dated 27th October 1939.

Alienation - Land - (South Kanara) - Udipi taluk - Kidiyur village - S.No.1/1B - Fish curing yard - Sri Sankesha Sesha Merakala - Board's reference R.No.1878-39-4, dated 25th September 1939.

The Board's view in paragraph 3 of its reference read above that it is unnecessary to revise the orders in G.O.No.4 Revenue dated 3rd January 1938 is accepted.

2. The list of the conditions of alienation referred to in paragraph 4 of the Board's reference is approved. The Board is requested to obtain and submit the consent of the alienee to the special conditions.

T.M.S. Mani,
Under Secretary to Govt.

To

The Board of Revenue

F o r w a r d e d

(By Order)

Superintendent

(Rws.)

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying	4/11/39	9/11
When copied	11/11/39	
When examined	11/11	
When signed		
When despatched.		

SUBJECT:— Alienation - Land - (South Kanara. Udipi taluk. Kidiyur village - S.No. 1/1B - Fish curing yard. Sri Sankaranarayana Merakala -

PA... 4 NOV 1939

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

E No. 6767/39 From the Sec. Rev. Dept., No. 5129 F/39-2 dated 27-10-1939.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. _____, ~~dated~~ Ref. No. 21878/39-5 dated 8-11-1939.

19 25-1-40 to circ 3 26/1

Sec. Govt. Dept. HH 26-1-40 26/1

~~A list of the conditions~~ ~~of alienation proposed to be imposed~~ ~~in the case and approved by the~~ ~~Government in their Revenue letter above~~ of S. Kanara, the is forwarded to the Collr. / ~~the Collr~~ is requested to obtain and submit at consent of the alinee to the special conditions, ~~to be imposed in this case~~ ~~vide his Ref. 676/39B3 dated 12-7-39.~~

for 8/11

8/11/39.

1-2-40 King's 43/Rev 17-1-39

Govt. Dept. HH 2-2-40

HH 37-40 dated.

8/11

6

The Collr. of South Kanara. (with a copy of the conditions of alienation).

HH 45-55 dated to be copied

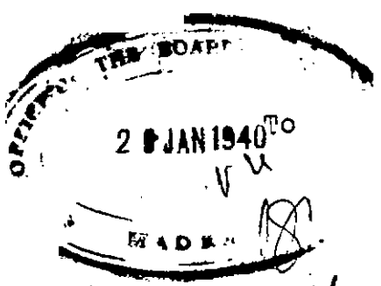
Ref.B3.7616/38.

South Kanara Collector's Office,
Camp Udipi, 25th January 1940.

From

A. C. Woodhouse, Esq., C.I.E.,
Collector of South Kanara.

E667 1878/38



To

The Secretary to the Board of Revenue,
Land Revenue & Irrigation,
Madras.

Sir,

Alienation - Land - South Kanara - Udipi Taluk - Kidiyur village - S.No.1/1B - Fish curing yard - Sri Sankesha Shesha Marakala.

---

p.59 cf. Reference: Board's Reference E.No.1878-39-5, dated 9th November 1939.

---

pp.63-65 cf. I enclose the petition dated 20.1.1940 of Sri Sankesha Shesha Marakala received in response to my letter offering him the special conditions contained in the Board's reference ---- cited above. The petitioner states that he has constructed buildings on the plot at a cost of Rs.3000/- and that he ----- stands to lose site value already paid by him. He desires the assignment of land on darkhast and in the alternative says that he is constrained to abide by the conditions ------- proposed to be imposed and requests that final orders may be passed accordingly.

Under B.P.524, dated 18.2.38 the plot has to be ------ alienated. I recommend, therefore, that alienation of the plot may be sanctioned subject to the conditions proposed.

For Collector.

27.1.40

The District Collector of South Kanara,

Mangalore.

Humble petition of Shakesha Sesha Marakala nephew of Sankesha Turka Marakala, residing in Kidiyoor village of Udipi taluk, dated the 20th January 1940.

Most respectfully showeth,

1. The petitioner received orders N.Ref.C.No.7616-38-B3/ 20-11-1939 along with orders of the Board sent therewith.

2. Being highly aggrieved by the aforesaid orders, the petitioner begs to submit that in anticipation of favourable orders from the government regarding darkhast of S.F.No. 1/1B, I paid the site value thereof, to the Government, opened a private fish curing yard by constructing large and costly buildings valued at Rs.3,000/- and got possession of the said site.

3. That sometime later, it was proposed to grant the said site to me on conditional darkhast, and the petitioner was anticipating orders to the effect.

4. That unfortunately ultimately orders to the effect that the site could under no circumstances be granted on darkhast; and on receipt of which orders, the petitioner again moved the District Collector by a petition dated 22-3-1939.

5. That under all the circumstances stated above, the petitioner is highly aggrieved standing to lose site value paid, costly improvements worth about Rs.3,000/- besides foregoing his profession and so earnestly prays that the District Collector be pleased to reconsider the matter and pass favourable orders of granting the aforesaid site on Darkhast to the petitioner.

6. That if in any event, the prayer of the petitioner

cannot be granted, the petitioner alternatively submits that he is painfully constrained to abide by the orders contained in the aforesaid notice and the Board's communication and prays that final orders may be passed accordingly.

I beg to remain,

Your most obedient servant,

Sd. x x x

Petitioner.

(True Copy)

(Office Copy).

(S.V.R.)

DESPATCHED
9 FEB 1940

Alienation Land (Kuthkaran
Kudipitalak Kidiyur village
S.No 1/1B - Fish curing yard
Sri. Sankeshwara Nevakkala

DESPATCHED

Ref 7616/38 & 25-1-40 (Kumta Taluk & S. Kanara Ref. B3.
7616/38, & 25-1-40/A

Ref. No E1878/38-6, & 8-2-40
Submitted for
Govt. with reference to para 2
of their memo No 5129F/38-2,
& 27.10.38.

2. The Board recommend
that the alienation of the plot
may be sanctioned subject to
following conditions: ~~proposed~~

[Sl. Nos. 1-4 below.]

The Secretary to Govt.
R.D.
(with a petition & 20/1/40
in all)

1. 63 65 - G. Statement
of Tax levied in the Taluk.

subject to the payment yrs. succ-

3. The alienation will be ~~free of charge~~ for the

occupancy right ~~and free of assessment~~ but subject to and
assessment which will be liable to revision from time to time according to the rules in force at the time of such revision
~~ground rent~~ and subject
to the payment of Re. ~~0-6-0~~ being the value of the trees

standing on the land and subject also to the following

conditions to which the alienee has agreed :-

(1) The land shall be used as the site of a fish curing yard

and for no other purpose.

(2) The alienation of the rights hereby devised without the sanction of the Govt. to a person who is a British Subject or a subject of an Indian State shall invalidate the grant.

(3) No ~~other~~ building other than one absolutely necessary for fish curing operations shall be constructed on the

land without the previous permission of the Collector of

the district.

(4) The land shall be subject to all general taxes and local rates payable by law or custom.

( ) The market ~~value~~ value of the land shall be

collected if at any time it is found that the grantee

derives a substantital income from the grant.

(5) The grantee shall comply with all such orders as the Collector of the Dt. or any other competent officer may issue from time to time to prevent any nuisance being caused by the grantee's method of conducting his business.

(6) The grantee shall obtain a license for the establishment of the fish curing yard from the President of the Local Board.

(7) The grantee shall permit all inspecting officers of the Govt. with or without workmen or others at all reasonable times to enter upon the premises and to view the condition thereof and to satisfy themselves that the conditions of the alienation are fulfilled.

(8) The grantee shall hand over the land with any buildings thereon of the fish curing operations cease for more than 12 months unless he can prove to the satisfaction of the Collr. of the Dt. that the factory had to close down for sufficient re

ienation - Land - Revenue - Buildings -

Taluk

Village / Town S.No.

Recommended / Sanctioned.

Reference / Resolution

At the instance of the Collector of

the Board recommends / sanctions the alienation of the plot of land

comprised in S.No.

of Village

taluk measuring Ac. in favour of

for use as the site of

(9) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them.

(10) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensations payable for the land amdtrees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less.

(11) In the event of resumption under condition (10) if there are buildings on the land the Government ~~may at their option either~~,

~~(a)~~ purchase the buildings. ~~or~~
~~(b) direct the grantee to remove the buildings.~~

(12) In the event of the resumption of the land followed by the purchase of the buildings under condition (11) or in the event of the acquisition of the land for any reason the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at

the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any -- buildings erected or other improvements affected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the -- Government in respect of buildings constructed in contravention of condition (3).

(13) In the event of the grantee refusing to remove the buildings when so directed under condition (9) ~~or ( )~~ the Government may remove them and realise the cost of removal by the sale of the materials.

(14) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

( ) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement.

(15) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(16) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(17) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(18) In the event of the infringement of, or failure to observe any of the conditions (15 to 17), the alienee shall pay to the Government such compensation as is determined by the -- Collector of the district for any loss or damgge caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

To the Collector of

To the Secretary to Government, Revenue Deptt.
with alienation statement, ~~Sketches~~ ~~pp~~ ~~be copies~~ ~~pp.....~~
~~in original~~)
to be copied and sent, Sketches pp

FISHERIES DEPARTMENT.

F.192/40

In reply, please quote number, date and short title, if any.

8-FEB1940 MADRAS

Received _____ *Registered* _____

From (Name) Dewan Bahadur Dr.B.Sundara Raj,M.A., Ph.D.,

(Designation) Director of Fisheries,

Post Box _____, (Station) ~~Madras.~~,

Telegraphic Address _____

To

The Secretary to the Board of Revenue
Chepauk, MADRAS.

Ref.*No.*3205-F/38-4 *dated* 6th February 1940.

Sir,

Sub:- Fish curing yards - Kidiyur - assignment of site.

Ref:- Government Memorandum No.5129-F/39-2 Rev., dated 27.10.1939.

Enclosures _____

_____

_____

Spare Copies _____

In para 4 of the Board's letter Ref.E.No.1878-39-4 dated 25.9.1939 disposed of in the Government Memorandum quoted above it is stated that a list of conditions that may be imposed in the case of alienations for fish curing yards was submitted to Government with that letter. I have the honour to request that a copy of the list of conditions proposed may kindly be furnished to me for information.

V.Venkateswarulu
for Director of Fisheries.

MLM/7.2.

Mudaliar Nadu (Nadu)
Erode Taluk - Kodiyam village
S. No. 1/1B - Fish curing yard
Sri Sankara Sesha Narakal

23 FEB 1940

g. fisheries, Ref. 3205 F/38-7,
24.2.40) G

Ref. No. E1878/38-7. 9.5.2 40
A copy of the lis
conditions required, is herewith
furnished.
9/5/40

3.2.40

The Director of Fisheries,
Madras.
(with a copy of the lis conditions)
H-4P-55 cy. Mr
Cash Account.

OFFICE OF THE BOARD OF REVENUE
15 MAR 1940
MADRAS

Mp1.24 1878/38 (1) K (1642)

Rev. Sectt. 23—3,006—23-12-36.

GOVERNMENT OF MADRAS.

SECY.
15 MAR 1940

Received ——— 193 . *Registered* ——— 19

Abstract.

Alienation - Land - (South Kanara) - Udipi Taluk - Kidiyur village - S.No.1/1B - Fish curing yard - Sri Sankesha Sesha Marakala - Sanctioned. G.O. comm'd.

REVENUE DEPARTMENT.

G.O. No. Ms. 656 **Dated the** 12th March 1940

READ the following :—

From the Director of Fisheries Ref.No.3205F/38-3 dated 3rd April 1939.
Board of Revenue Ref.E.No.1878-39-4 dated 25th September 1939.
Ref.E.No.1878-39-6 dated 8-2-40.

....

Res Mis 865 d 30/3
Communicated to the Collr. of S. Kanara.

To The Collr. of S. Kanara.

ORDER—

~~The Government sanction the alienation of~~

Sanction is accorded to the alienation of the plot of land in S.No.1/1B measuring 1.20 acres in Kidiyur village, Udipi taluk South Kanara District in favour of Sri Sankesha Sesha Marakala for use as the site of a fish curing yard.

2. ~~The alienation will be free of charge for the occupancy right.~~

The alienation will be subject to the payment of Rs.300/- (Rupees three hundred only) for the occupancy right and subject to assessment which will be liable to revision from time to time - according to the rules in force at the time of such revision and to the payment of Rs.0-6-0 (annas six only) being the value of the trees standing on the land.,and subject also to the following conditions:-

but subject to the following

The land shall be used

and for no other purpose.

The buildings shall be constructed within ~~from the date of the grant.~~

(1) The land shall be used as the site of a fish curing yard and for no other purpose.

(2) The alienation of the rights hereby demised without the sanction of the Government to a person other than a British subject or a subject of an Indian State shall invalidate the grant.

(3) No building other than one absolutely necessary for fish curing operations shall be constructed on the land without the previous permission of the Collector of the district.

(4) The land shall be subject to all general taxes and local rates payable by law or custom.

(5) The grantee shall comply with all such orders as the Collector of the district or any other competent officer may issue from time to time to prevent any nuisance being caused by the grantee's methods of conducting his business.

(6) The grantee shall obtain a licence for the establishment of the fish curing yard from the President of the Local Board.

(7) The grantee shall permit all inspecting officers of the Government with or without workmen or others at all reasonable times to enter upon the premises and to view the condition thereof and to satisfy themselves that the conditic of the alienation are fulfil

(8) The grantee shall hand over the land with any buildings thereon if the fish curing operations cease for mor than 12 months, unless he can prove to the satisfaction of th Collector of the district that the ~~factory~~ yard had to close down for sufficient reasons.

(9) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them.

or if the local board for any reason cancels or refuses to renew the licence already granted

(10) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less. In the event of resumption for marine purposes, the grantee shall immediately give up possession of the land and buildings.

including marine purposes

(11) In the event of resumption under condition (10) if there are buildings on the land, the Government ~~may, at their option, either~~ shall

~~(a)~~ purchase the buildings, ~~or~~

~~(b) direct the grantee to remove the buildings.~~

(12) In the event of the resumption of the land followed by the purchase of the buildings under condition (11) or in the event of the acquisition of the land for any reason, the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(13) In the event of the grantee refusing to remove the buildings, when so directed under condition (9) the Government may remove them and realize the cost of the removal by the sale of the materials.

(14) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee ~~(and~~ the grantee shall ~~not~~ be entitled to the repayment of any amount that may have been paid to the Government for the grant) or the value of the land at the time of relinquishment, whichever may be less.

(15) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liber to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The grantee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission

of the Collector of the district.

(16) The grantee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(17) The grantee shall take steps to see that the mark made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(18) In the event of the infringement of, or failure to observe, any of the conditions (15) to (17) the grantee shall pay to the Gogernment such compensation as to be determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the grantee shall not be entitled to any compensation whatever

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

B.G.Holdsworth,

Secretary to Government

To the Board of Revenue.
" Director of Fisheries,
" Development Department
" Local Administration Department.

True copy
Forwarded
(By Order)

Superintendent.

OFFICE OF THE BDO Palni

Dated 15/3/60 193

Hours Minutes.

TELEPHONIC=MESSAGE

The Supdt: Revenue

The Supdt: BDO Pal

Athanali Land. S Kanaro

Udipi Taluk. Kilinjur Vil

S No: 1/18 this survey Za

ere G.O. No: 656 Rev.

Dt 12/3/60.

In the fair copy of the

G.O. issued by your Office

please substitute "Zara

for "factory" - In endor

of the Chairman of the

Tri

Note file.

Alienation - land (South Kanara) Hoipi taluk - Kidiyur village (Rajaswari) - S.No 1/3 - fish curing yard - Sanvkesha Shetha Manakala.

p 1 ✓ +E·1878·39 [Letter of S. Kanara - Rg 7616/38 B3 dt 28·3·39]

pp 17-18 ✓ Board's reference E 1878-39-1 dated 28·4·39]

p 19 ✓ E 2693·39 [Govt Revenue Error. 2099 F 38·1 dt 2·5·39]

p 21 ✓ E 3249 [Collr. of S. Kanara - C. 7616·38 dt 26·6·39]

p 1 ✓ The Collr. has submitted proposals for the alienation of S. 1/1B3 of Hoipi village, Hoipi taluk, for a fish-curing yard in favour of one Sanvkesha Shesha Manakala. A further report has been called for from him and it is awaited.

p 18 ✓

p 19 ✓ In the meanwhile, the Govt have forwarded to the Board a letter from the Dir of Fisheries concerning the proposal under consideration and have called for a report. The Collr. has sent in his report on the Govt proposal (→ pl see p 31 ✓)

pp 21-22 ✓

p 19 ✓ pp 17-18 ✓ the Board's reference sent to him is still pending with him. As the proposal for alienation will have to be submitted to the Govt. (as fish curing trade is not a public purpose) it seems better to await the Collr's report on the Board's reference also and submit to the Govt. both the report called for by them and the Collr's proposals. The Collr. may be asked to expedite the report called for in the Board's letter at pp 17-18 ✓ Draft submitted

Jdn 26/6/39

Lee 26.6.39

4138/39 [Coll. of Kannur Rc 7616/38-B, ↓ p37 CF
dt 12.7.39]

M1/AS(de)

Sketch at p43 CF

To AS

The letter cited above is in reply to the Board's Rc E 1878/39-1, dt 28.4.39. pp17-18 CF

2/ One Sesha Marakala of Kidiyur vill Kasaragode, applied to the Coll. in 1936 — p5 cf — for the assignment of S no 1/1B (1.20 acres) for a fish curing yard. The S. no is reg^d as poramboke. — p15 cf The Coll. at first ordered — p23 cf the transfer of the land from poramboke to ayan & its assignment to the applicant subject to the payment of the market value & to the conditions laid down in App. VII to — pp184-185 B&O Vol II (Rule 65 B&O Vol I, with conditions 6 suitably modified — pl see copy of Coll's Rc no 2153/38, dt 3.5.38 — p23 cf at p23 CF. Under G.O no 4 mis, Rev. dt 3.1. however, land required for the purpose of fish curing yards should be alienated on free or on payment of market value for use as fish curing yards alone. Appar this order was lost sight of when the Coll passed the order referred to above. In view of the instructions in the G.O quoted above,

Coller. later in his D.O. 5473/p8. of 3.5.38
dropped the conditional assignment and
called for proposals for the alienation of the
plot in favour of the petitioner for the purpose
of the fish curing yard. On this the petr.
p2 of appears to have
sent a petition to the Director of Fisheries,
representing that the land might be
assigned to him, instead of being
alienated, as he had already paid
the site value of Rs 300/- and erected
buildings costing Rs 2500/- . He also
pp5-6 of sent another petition to the Collr. requesting
him to reconsider his order & assign
the land to him, as originally proposed
& for any reason the order could not
be reconsidered, the petr stated that he
p5 of was painfully constrained to accept the
terms of alienation to avoid heavy losses
which would otherwise immediately follow
(a) as under the G.O. first referred to above
the land has to be alienated, the Collr.
p1 of sub. alienation proposals in favour of the
petr subject to the conditions in G.O. 24, 10
As the alienee has paid the land
p1 of value, however, the alienation should
be subject to the revised conditions in
(c) G.O 431 Rev. of 17.2.38. The Collr. was
p17 of accordingly asked to report if the petr

agreed to these conditions. In the meantime the Director of Fisheries addressed the Govt. on the petn sent to him by the petitioner, stating that the conditions of alienation offered to the petitioner were stringent & would work hardship to him that Govt in no 4 Res of 3.1.38 did not contemplate the imposing of all these conditions & that the G.O. might be revised if necessary, to enable the Coll. to treat the alienation as a special case of conditional assignment, with the only condition that the site should be used for fish curing yard purposes only. The Govt. have called for the Board's remarks on this & also a copy of the Coll's Order of 3.9.38.

pp 21-22 of (a)

p 22 of (b)

p 19 of

The Coll. has now reported that the petr has agreed to the conditions in Govt 431 Res of 17.2.38. As regards the recommendation of the Director of Fisheries, he points out that in a case of alienation the conditions prescribed in BSO 26, 40 cannot be altogether dispensed with & that the conditions in Govt 431 Res of 17.2.38 are sufficiently liberal.

p 37 of (c)

pp 31-32 of (c)

pp 99-100 BSO V (BSO 6)

3/ The alienation proposals are complete The purpose for which the land is to be used is not a public purpose. It

may constitute an industrial or manufacturing purpose & the sanction of the Govt. is necessary for the alienation. The rules for the alienation of land for industrial or manufacturing purposes are laid down in App XXVIII to B.S.O. 24. The rules are there framed by the Govt. of India & are not now binding on the Provincial Govt. In the proposals for the amendment of B.S.O. 24, the Board has recommended their deletion. The ordinary rules in B.S.O. 24.10, as modified by G.O. 431 Rev. Dy. 17.2.38 seem sufficient for cases of this kind.

As regards the letter of the Director of Fisheries, it is submitted that under G.O. no 4 Rev Dy 3.1.38 alienation & not assignment is the procedure to be followed when land is granted for the purpose of fish curing yards [The Board was not consulted before this order was passed]. In a case of alienation, the minimum conditions referred to in B.S.O. 24, para 10 should be imposed in all cases & there is no question of dispensing with them. Nor is there any difference between App VI to B.S.O. VII (form of order of assignment) and B.S.O. 24, 10 as

eg conditns 11, 12 & 15 - pp 184 - 185 - Mr 68

regards conditns relating to resumption. Under the conditns in Go 431 Rev. dt 17.2.38 & conditns 2, 3, 4 & 7 in C.S no 89 of 1936 pp 24 - 99 - (Mr 68) the petr stands to gain, for provision is made in them for the re-payment of the amount paid by him in the event of voluntary relinquishment & for the Govt. compulsorily purchasing the buildings when the land is required for a public purpose or for conducting mining operations. The petr has agreed to them & so long as he does not violate the conditns of alienn his tenure of the land is as good as holding it under an order of assignt. In the circumstances there seems no reason to modify Go no 4 dt 3.1.38 in this case or generally.

The Govt. may be informed accordingly and the alienation proposals submitted by the Collr. may be recommended to them for sanction. A copy of the Collr's letter no 1473/38 dt 3.9.38 may also be submitted, as required [It is not proposed to alienate land reserved: the petr has paid the value of the ever trees on the land, vide Fr orders:

15/9/38 16

A - It may be noted that the conditions of alienation when value of the land is paid are

Similar to conditions 6, 10 to 15 of appendix VI to B 80 15-35-VII. For a proper control of alienations later lease in hands, it seems desirable to impose the remaining conditions also unless ~~Secretary Chaage~~. The Director refuses to the conditions under B 80 24(10) in cases in which the value of land is not collected. These conditions were agreed to by the Govt. authorities by mistake. The correct set of conditions is at pp 39-40 c.f. the advice has agreed to their The attention of the Govt. may be drawn to this aspect of the case. & it may be recommended that cases of fish curing yards may be alienated on conditions similar to those in appendix VI omitting no(1) & providing for refund of land value in case of resumption or relinquishment. as in B.P. at (C).

For order

Vide form page (2)

VI 164 B80

VII

SECY.
30 AUG 1939

11/29/39

Let me see the draft, please. Condition No. 2 in app. VI does not seem applicable either.

J.R.
2/9

Revised draft submitted with ref to A Sec'y's oral orders.

2/ With reference to the Member's remarks at the bottom of P.7 ante it is submitted that it is possible for the alienee to sublet the site or lease it to some others and in order to prohibit that such such leasing is not made to an alien body, this condition seems necessary.

3/ Condition (5) in the Appx. VI is not also necessary. When the existing and the customary rights of Govt and the public in roads etc are reserved, it is specifically stated so in each case. As regards the right of the Govt. to the mines, there is a condition in the conditions of the alienation for resuming the land, when it is required for conducting mining operations. Pl see condition 3 in G.O. 431 Rev d 17.2.38. A list of conditions as proposed is put up at (M')

29/10/37

14-1

20/5/35

The draft will do as amended by me but the list of conditions given in para 4 needs amendment in regard to condition No. 2 for he can not alienate the land itself. He can only alienate the rights he's obtained by the Govt's alienation to him. I'd also

the word land into rights hereby devised
Do this will/not you see any objection; if so
do, inform me.

2. It is envisaged that no compensation is payable when a tidal or marine factory is resumed for marine purposes, see condition 12 in the form of order of assignment, but we need not deal with this point in discussing the reason.

2119

To AS(LR)

There is no objection to alter the word 'land' in condition 2 into "rights hereby devised."
devised as suggested by the Member in para 1
The alteration has been carried out
above. The draft may issue

for the
21/9/39

21/9/39

L AS.

The Govt. may be advised
in the matter. Draft sent.

for
21/9/39

issued as Rly's Order No. E. (8) 88/37 | f. 59 cf
§ 5. (1) 38)

2. 667/40. [Rom the Collr of S. Kanara | ff. 61-65 cf
Lr. f. 15.7.38, § 5 (1)]

AS (LR)

The Collr's letter may be
submitted to Govt with request to pass a gen-
eral order of f. 57 cf. with a recommendation
in the alienation of plot subject to the
conditions proposed. Draft submitted

Sd/-
4.8.40

1877/a

AS (LR)

[Govt Rly No. E. 1878/39 f. 9 & 2. 40] | ff. 67-73 cf
2922/40. [From the Collr of S. Kanara, Lr. No. | f. 75 cf
3285-C/38-4, dt. 6-2-40]

Draft submitted.
1881/4

AS (LR)

1642/40. [Govt | 656 Rev dated 12-3-940] | ff. 73 cf
Now be communicated to the Collr of
S. Kanara. Draft submitted at f. 73 cf

Sd/-
13/8/40

B.P. Mis 865
30.3.40

~~Dated~~

Full ~~Board~~

I.A.	A.D.S. and L.d. Rev.	Assistant Secretary Land Settle-ment.	Sec. Rev.	Asst. Secy.	4	3	2	1

1. Open file seen by ✓
2. Final draft seen by ✓
3. Now circulated to
4. Initials.

Passed for record.

Secretary
Joint Secretary.

A.S. (C.W.).

A.S. (L.F. .. S.G.H.

A.S. (Sett.).

A.S. (Excise).

A.D.E. & L.R.

I.A.

Note - Queries not required to be entered out.